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[New Hampshire Code of Administrative Rules](#)
[Env-Ws 393](#)

PART Env-Ws 393 PUBLIC WATER SUPPLY GRANTS

Env-Ws 393.01 Purpose. The purpose of these rules is to implement RSA 486-A, which provides for state grants to public water systems that have been required to comply with the surface water treatment rules of the federal Safe Drinking Water Act of 1986 and Env-Ws 380.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97

Env-Ws 393.02 Definitions.

(a) "Construction" means "construction" as defined in RSA 486-A:2, I namely:

(1) "The installation or building of:"

a. "New wells or well buildings; or"

b. "Filtration systems and associated pump stations, pump equipment, chemical treatment systems, telemetry and metering equipment, and storage tanks; and"

c. "Distribution mains and valves needed to interconnect the new wells or filtration system to the existing system as may be required by the division and the EPA."

(2) "Altering, improving or adding to existing water treatment or water source, storage or transmission main facilities in order to meet the requirements of the surface water treatment rule."

(3) "Engineering services related to planning and design of facilities identified under this paragraph."

(b) "Eligible costs" means "eligible costs" as defined in RSA 486-A:2, III namely "the actual costs of construction and related services necessary for a municipality to comply with the surface water treatment rules of the department of environmental services and the EPA, but shall not include the following:"

(1) "Land acquisition, except for land which shall be an integral part of a well system or filtration system;"

(2) "Easements and rights-of-way necessary to the project;"

(3) "Distribution systems and any improvement thereto not necessary for the municipality to achieve compliance with the surface water treatment rules; and"

(4) "Any administrative, legal and fiscal costs related to the project."

(c) "EPA" means "EPA" as defined in RSA 486-A:2, IV namely "the United States Environmental Protection Agency."

(d) "Expenditure" means payment to contractors and suppliers for eligible construction, material and equipment costs incurred for eligible activities relative to surface water filtration.

(e) "Fixture Rate" means the method of billing in the drinking water utility field where the method of billing for water service is based on a tabulation of water use fixtures rather than metering and each fixture is assigned a weighting factor which recognizes frequency and volume of anticipated use.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97

Env-Ws 393.03 General Eligibility for Grants.

(a) In order to be eligible for water filtration grants in the amount of 20 percent of the total eligible costs, the water system shall:

- (1) Draw its water supply from a surface water source, or a groundwater source under the direct influence of surface water as defined in Env-Ws 380.02(j); and
- (2) Have made expenditures on or after June 19, 1986 related to construction; and
- (3) Have received approval under RSA 485:8 for the construction plans related to the project.

(b) Grants shall apply to the amortization charges on eligible costs occurring after the effective date of these rules.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97

Env-Ws 393.04 Eligibility for Reimbursement Grants.

(a) Reimbursement payment shall be made to public water systems for eligible amortized costs related to expenditures made between, and including, June 19, 1986 through December 31, 1993. The percentage of reimbursement grants shall be established according to Env-Ws 382.03 and Env-Ws 382.05. The reimbursed amount shall include all eligible expenditures whether the source of funds was from an appropriation, bond or from a capital reserve account.

(b) Reimbursement grants, as described in Env-Ws 382.04, shall recognize the cumulative eligible amortized costs incurred prior to the effective date of these rules. The reimbursement grant shall be made as a single payout.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97

Env-Ws 393.05 Eligibility for Supplemental Grants.

(a) In order to be eligible for supplemental grants in the amount of 10 percent of the total eligible costs, the water system shall:

- (1) Demonstrate to the division that construction will result in user fees for the average single family home that is 20 percent above the statewide average for residential customers as established by the division; and
- (2) Meet all eligibility requirements of Env-Ws 382.03.

(b) The effect of the 10% supplemental grant shall not be included in the amount used to calculate eligibility under this section.

(c) Where a system uses the fixture rate method, a list of all customers and their charges for the previous year shall be submitted to the division.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97

Env-Ws 393.06 Determining Average Cost of Water Service.

(a) The average residential cost of water supply service in New Hampshire shall be based on an annual calendar year survey of the fee paid by a single family home using a fixed volume of water.

(b) The division shall determine this fixed volume based on a statewide assessment of the following factors:

- (1) Average volume of interior domestic water use;
- (2) Average exterior domestic water usage;
- (3) Family unit of average size;
- (4) Median family income;
- (5) Average household size; and
- (6) Any other factor that directly affects the average amount of water use which is endorsed by a majority of water systems through the annual survey.

(c) The average shall be calculated from the rates for those water systems serving more than 500 people with fire hydrant flow capability. The average shall be determined using the number of systems responding rather than a average weighted in accordance with that systems population.

(d) The average rate calculation shall be valid when at least 75% of the systems questioned respond to the survey.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97

Env-Ws 393.07 Application for Grants. An application to the division for grants shall include:

(a) A description of and costs associated with each element of construction and other tasks associated with eligible costs.

(b) A detailed financial statement indicating the portions of costs which are eligible costs as defined in Env-Ws 393.02(b) with a description crafted so that each of the eligible and noneligible elements is identified separately.

(c) The amortization schedule for bonding of eligible costs.

(d) A copy of the system's projected official billing schedule for water, if the applicant requests the additional 10% supplemental grant. The projected billing schedule submitted to the division shall be adjusted to remove the effect of funds placed in capital reserve accounts.

(e) A statement that the applicant has adopted or will adopt a system of charges to assure that each recipient of water service within the applicant's jurisdiction will pay a proportionate share of the costs of operation and maintenance of water services provided by the applicant.

(f) An agreement that the applicant:

- (1) Will install the waterworks facility(ies) in accordance with the plans and specifications approved by the division;
- (2) Will provide proper and effective operation and maintenance of facility(ies); and

(3) Agrees that failure to install the facility(ies) in accordance with the approved plans and specifications or to provide proper and efficient operation and maintenance of such facilities shall result in the loss of payment of the annual grant installment next following such failure.

(g) A written authorization approving an individual to sign official documents binding upon the applicant.

(h) A statement signed by the individual authorized under Env-Ws 393.07(g) which shall attest to the accuracy of the documentation.

(i) A copy of the warrant article or corporate resolution or other legally binding document authorizing the project.

(j) A descriptions of any grant funds including but not limited to the US Farmers Home Administration/Rural Development Administration, Housing and Urban Development, Community Development Block Grant and for contributions from developers.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97

Env-Ws 393.08 Continuing Eligibility for Supplemental Grants. In order to maintain its eligibility for the 10% supplemental grant, the system shall annually submit its current official billing schedule to the division.

Source. (See Revision Note at chapter heading for Env-Ws 300) #6521, eff 6-4-97